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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

Case No. 767

In the Matter of the
UNAUTHORIZED PRACTICE OF LAW
In re J. HARVEY CROW, *Appellant*

On Appeal From the Supreme Court of Ohio

PETITION FOR REHEARING

J. HARVEY CROW
St. Paris, Ohio
In Propria Persona

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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To the United States Supreme Court and the Justices Thereof:

J. Harvey Crow, appellant, in the above entitled cause, presents this, his petition, for a rehearing of the above entitled cause, and, in support thereof, respectfully shows:

I.

The order of the trial court made on October 21, 1959, and the sentence imposed by the trial court on November

19, 1963, was in violation of the Constitution of the United States and Amendment Five and Amendment Six and enforced on the states by Amendment Fourteen of the United States Constitution as is shown by the record in this cause. The record shows the following facts.

a. A charge of contempt was first made on October 1, 1958, in the Supreme Court of Ohio in Case No. 35825.

b. This appellant filed an answer denying the allegations in the application, and in addition thereto set up four affirmative defenses, anyone of which if proven to be true would be a complete defense to said charge.

c. Without assigning the cause for hearing, without any evidence, without any hearing, the trial court did on the 26th day of June, 1959, find the appellant guilty of contempt of court. An application for rehearing was filed by the appellant and on October 21, 1959, the trial court did vacate its own entry and judgment.

d. On October 21, 1959, without assigning the cause for hearing, without a hearing, without any evidence, without notice to the appellant, the trial court entered judgment finding this appellant guilty of contempt of court, but suspended the imposition of any penalty.

e. November 19, 1963, imposed the maximum sentence allowed by the Ohio Statute without any evidence showing that the appellant had violated any order of the court.

II.

On May 3, 1963, another application was filed.

a. The trial court did proceed to hear part of the matter on May 29, 1963, without any personal notice to the appellant. It did proceed to take evidence at said time when the appellant was not present, nor

represented by counsel. The evidence so offered and received on said date did not show that the appellant did any act that violated any court order.

b. On November 19, 1963, without hearing any further evidence and without assigning the matter for hearing or trial, did make a finding that is not substantiated by the record by finding the appellant guilty of contempt of court under Specification A.

III.

The trial court refused to give the appellant assistance of counsel as is shown by the record on November 19, 1963.

IV.

The order entered on October 21, 1959, is not definite and certain. The order is so indefinite and uncertain as to violate the due process clause of the Constitution of the United States and its Amendments thereto.

V.

The finding by the trial court that the appellant willfully failed to comply with orders issued May 6 and 22 without the filing of any charges as provided under Chapter 2705 of the Revised Code of Ohio was a violation of the due process clause under which the appellant should be afforded protection.

a. There were no charges filed regarding this item as set out in the entry finding the appellant guilty of contempt of court.

b. This item was never assigned for hearing and no evidence was ever taken.

This appellant sincerely believes that the due process of law as guaranteed to him under the Fifth and Sixth Amendments and enforced on the states under the Four-

teenth Amendment of the Constitution of the United States was violated. This appellant sincerely believes that the questions presented in the Notice of Appeal and also found in the Jurisdictional Statement are of such importance to all the citizens of the United States that this Honorable Court should admit this case, as a petition for certiorari.

The following five questions are of such importance that we should like to have this court accept jurisdiction and allow this appeal as a petition for writ of certiorari.

QUESTIONS PRESENTED

1. Did the Supreme Court of Ohio deprive the appellant of due process of law as guaranteed to him under the 5th, 6th Amendments and enforced on the States under the 14th Amendment to the United States Constitution by finding the Respondent-Appellant guilty of criminal contempt of court on November 19, 1963, for willful and continued failure to comply with orders issued to him on May 6 and May 22, 1963, without

(1) The filing of any charges or

(2) giving Respondent-Appellant any time to prepare a defense and

(3) refusing to appoint counsel to assist the respondent-appellant.

(4) presenting no evidence against respondent-appellant.

(5) refusing a trial or hearing on the orders of May 6th and May 22nd, 1963, all which is in violation of the statutes of Ohio.

2. Did the Supreme Court of Ohio deprive the Respondent-Appellant of due process of law as guaranteed to him under the 5th and 6th, Amendments and enforced on the States under the 14th Amendment to the United States Constitution, by finding the Respondent-Appellant guilty

of criminal contempt of court on an application by the Bar Committee under specification "A" without,

(1) hearing any evidence

(2) assigning the matter for hearing or trial

(3) attempting to compel the respondent to testify against himself

(4) refusing to give respondent assistance of counsel

(5) making a finding of fact without any evidence

(6) attempting to establish a fact through failure of respondent to answer under oath.

3. Did the Supreme Court of Ohio deprive the Respondent-Appellant of due process of law as provided in the 5th and 6th Amendments and enforced in the States under the 14th Amendment of the Constitution by failure to make its order of October 21, 1959, definite and certain especially after the respondent has set forth in his Answer of January 21, 1959.

Said order is indefinite and uncertain, and the Ohio Supreme Court had never previously determined what is or what is not the practice of law.

4. Did the Supreme Court of Ohio deprive the appellant of due process of law as guaranteed to him under the 5th and 6th Amendments and enforced on States under the 14th Amendment of the United States Constitution, by finding said appellant guilty of criminal contempt of court, without providing a hearing of the charges or an opportunity to the Respondent-Appellant to offer evidence in support of the defenses which if proven would be a complete defense to any charges?

5. Did the Supreme Court of Ohio deprive the Respondent-Appellant in this criminal contempt proceeding of due process of law as guaranteed to him under the 5th and 6th Amendments of the United States Constitution and en-

forced on States under the 14th Amendment of the United States Constitution, in finding said appellant violated the order of said court and raising or lifting a suspension without a showing of any further violations of such order, in a proceeding in which the Respondent-Appellant was not afforded the following:

a. full knowledge of the charges against him;

b. reasonable time to prepare a defense;

c. benefit of compulsory process;

d. assistance of counsel;

e. presumption of innocence;

f. protection against being compelled to testify against himself.

We believe that the Jurisdictional Statement by the appellant, the Record as made in this case, and the Reply Brief by the appellant clearly show an error of the law that needs to be clarified for the protection of the millions of people that live within the United States.

Wherefore, upon the foregoing grounds, it is respectfully urged that this petition for a rehearing be granted and that the Jurisdictional Statement be considered as a petition for writ of certiorari and as such be allowed for further consideration by this Honorable Court.

Respectfully submitted,

J. HARVEY CROW
St. Paris, Ohio
In Propria Persona

I, J. Harvey Crow, appellant, do hereby certify that the foregoing petition for a rehearing of this cause is presented in good faith and not for delay.

J. HARVEY CROW